

REMARKS**I. General**

The issues outstanding in the instant application are as follows:

- The Examiner has requested that the Amendment filed on July 10, 2003 addressing the Office Action mailed May 22, 2003 be refiled. In the Office Action of May, 22, 2003 the objections raised by the Examiner included:
 - The drawings stood objected to for informalities;
 - The drawings stood objected to under 37 C.F.R. § 1.84(p)(5); and
 - The specification was objected to for informalities.

Applicants hereby reiterate their request for reconsideration and withdrawal of the outstanding objections in light of the amendments and remarks contained in the response dated July 10, 2003 and reiterated and supplemented herein. Claims 1-21 are currently pending in this application and stand allowed.

II. Applicants' Record Under § 713.04 of Telephone Interview With Examiner and The Examiner's Request

Applicant respectfully submits the following record of two telephone interviews of April 22, 2004, under M.P.E.P. § 713.04. The following persons participated in both interviews: Examiner Trong Q. Phan and Applicants' attorney Jerry L. Mahurin, Registration Number 34,661. Additionally, Applicants' attorney, William Streeter, Registration Number 24,447 participated in the second phone conference of April 22, 2004.

During the first phone conference of April 22, 2004, Mr. Mahurin inquired as to whether a new Notice of Allowance would be issued in response to the RCE filed in the present application on February 25, 2004. The Examiner indicated that a Notice of Allowance would be issued in response to the RCE of February 25, 2004. The Examiner requested that the IDS accompanying this Amendment be presented via fax to facilitate issuance of the Notice of Allowance.

Subsequently, the Examiner called Mr. Streeter, who conferenced Mr. Mahurin into the call. The Examiner indicated that the present Amendment should be filed in response to the Office Action dated May 22, 2003 to represent the substance of the Amendment presented on July 10, 2003. Mr. Mahurin inquired as to whether a copy of the July 10, 2003 Amendment would satisfy the request and the Examiner asked that a “new” amendment be presented addressing the May 22, 2003 objections, as the current “RCE only includes the original specification and drawings.” Mr. Mahurin indicated that he would need to file the requested Amendment (and the accompanying IDS) via hardcopy, since new drawings were required by the May 22, 2003 Office Action.

Applicants have taken this opportunity to supplement the earlier Amendment by presenting the patent number of one of the related applications that has been issued.

III. In the Drawings

Replacement FIGURES 1 and 4 are submitted again herewith, on Replacement Drawing Sheets 1 and 2, in answer to the May 22, 2003 Office Action objections to the drawings. The accompanying Replacement Drawing Sheets are identical to those submitted on July 10, 2003, in response to the objections raised in the May 22, 2003 Office Action. Applicants respectfully request that the Examiner enter these drawings.

The Office Action dated May 22, 2003 contends that each of the labels TAP, LEVEL, SCSI BUS and MGI BUS “should be clearly incorporated with the corresponding element in the drawing by an arrow.” Without conceding the contention of the May 22, 2003 Office Action, Applicants submit a replacement FIGURE 1 in answer to these objections. The erroneous label “TAP” has been deleted from FIGURE 1. The “LEVEL” labels have also been deleted, as the specification clearly indicates 106a and 106b are “levels” of the library shown in FIGURE 1. Thus, the “LEVEL” labels are not necessary in FIGURE 1. The labels “SCSI BUS” and “MGI BUS 105” have been given lead lines directed to the elements of FIGURE 1 to which they correspond.

The Office Action dated May 22, 2003 contends that FIGURE 4 labels FC and 401 “should be clearly incorporated with the corresponding element in the drawing by an arrow.” Without conceding the contention of the May 22, 2003 Office Action, Applicants submit a

replacement FIGURE 4 in answer to these objections. The “FC” labels have been provided lead lines directed to the corresponding elements of FIGURE 4. What is believed to be an erroneous occurrence of the reference number 401 has been deleted from FIGURE 4.

FIGURE 3 stands objected to under 37 C.F.R. § 1.84(p)(5). The Office Action of May 22, 2003 contends that the “reference signs” WWN-1, WWN-2, WWN-3, WWN-4, WWN-5 and WWN-6 of FIGURE 3 do not appear in the specification. Without conceding the contention of the May 22, 2003 Office Action, Applicants have amended paragraph 35 of the specification to make specific mention of WWN-1, WWN-2, WWN-3, WWN-4, WWN-5 and WWN-6 as examples of the WWNs already discussed in the paragraph.

The drawings further stand objected to under 37 C.F.R. § 1.84(p)(5). The Office Action of May 22, 2003 contends that references to “HP SUPERSTORE 1/9” and “HP SUPERSTORE 2/20” are “reference sign(s) mentioned in the description” not included in the drawings. Applicants respectfully point out that no references to “SUPERSTORE” are contained in the application. However, without conceding the contention of the Office Action of May 22, 2003, Applicants have amended paragraphs 31, 32, 34 and 48. These amendments are intended to clarify that SURESTORE 1/9™, SURESTORE 2/20™ and SURESTORE SCSI BRIDGE FC 4/1™ are trademarks under which Hewlett-Packard Company markets various tape libraries and equipment and to clarify that references to “SURESTORE 1/9” and “SURESTORE 2/20” are not reference signs.

IV. In the Specification

The Office Action dated May 22, 2003 objects to the specification stating: “a serial number for each of the related applications as recited in pages 1-2 of the specification should be provided.” Paragraph [0001] has been amended accordingly to provide the required serial numbers. The present response supplements the response of July 10, 2003 by also including the patent number and issue date of related patent application serial no. 10/034,691, which issued as U.S. Pat. No. 6,715,031 on March 30, 2004.

V. Conclusion

Whereas each instance of informality in the drawings and specification have been addressed with a corresponding amendment to the drawings and/or specification, and whereas the claims stand allowed, Applicants respectfully request that this application be passed to issue.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 30014518-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 482736308US in an envelope addressed to: M/S Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: April 29, 2004

Typed Name: Carrie D. Wilson

Signature: 

Respectfully submitted,

By: 

Jerry L. Mahurin

Attorney/Agent for Applicant(s)

Reg. No. 34,661

Date: April 29, 2004

Telephone No. (214) 855-8386